

## THE OFFICE OF CONTRACTING AND PROCUREMENT

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### NOTICE OF EMERGENCY RULEMAKING

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The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 (PPA), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor's Order 2002-207 (dated December 18, 2002), hereby gives notice of the adoption of the following emergency rules to amend Chapter 20 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The rules are intended to amend a section of Chapter 20 concerning special contracting methods which would allow the District to extend an existing contract for more than five (5) years on recurring and continuing services requirements.

The rules were approved as emergency and proposed rules on November 21, 2005, and published in a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on December 30, 2005, at 52 DCR 11301. As the emergency rules expired on March 21, 2006, action was taken on March 20, 2006, to continue those rules on an emergency basis effective on that date. Further action was taken on March 31, 2006, to adopt amended rules on an emergency basis effective that date to add a new section 2005.6(g), and to supersede the emergency rules adopted on March 20, 2006. Since additional changes were needed, action was taken on June 15, 2006 to issue these revised rules on an emergency basis, effective on that date. This rulemaking supersedes the rules issued on March 31, 2006. Without these emergency rules, the Office of Contracting and Procurement will not be able to extend or enter into several city-wide contracts that are critical to the needs of District residents.

All these contracts provide services that impact the environment and welfare of District residents. Adoption of these emergency rules to amend Chapter 20 is thus necessary for the immediate preservation of the public peace, health, safety or welfare, in accordance with District law as codified at D. C. Official Code § 2-505(c) (2001). These emergency rules will remain in effect up to one hundred twenty (120) days from the date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

### SPECIAL CONTRACTING METHODS

*Section 2005.6 is amended to read as follows:*

#### **2005 USE OF OPTIONS**

2005.6 The basic period in a contract for services or supplies shall not exceed one (1) year, unless

the contract is funded from an appropriation that is available for more than one (1) year or is a multiyear contract for which funds would otherwise be available for obligation only within the fiscal year for which appropriated pursuant to District law codified at D. C. Official Code § 1-204.51(c). The total of the basic and option periods in a contract for services or supplies shall not exceed five (5) years except as follows:

- (a) a contract for city-wide telecommunications systems may exceed five years but shall not exceed ten years;
- (b) a contract for evidenced traffic violations systems provided to the Metropolitan Police Department may exceed five years but shall not exceed seven years and two months;
- (c) a contract for ticket processing provided to the Department of Motor Vehicles may exceed five years but shall not exceed seven years;
- (d) a contract for medical and mental health services provided to the Department of Corrections may exceed five years but shall not exceed six years;
- (e) a contract for any supplies or services may exceed five years where awards for recurring or continuing supply or service requirements may be delayed but shall not exceed five years and six months;
- (f) a contract for a Medicaid Management Information System (MMIS) provided for the Department of Health may exceed five years but shall not exceed eight years;
- (g) a contract for program management or construction services provided to the Department of Parks and Recreation may exceed five years but shall not exceed six years; and
- (h) a contract for community oriented correctional health care for the Department of Corrections may exceed five years but shall not exceed eight years.

## DISTRICT OF COLUMBIA BOARD OF EDUCATION

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### NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

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The District of Columbia Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, Section 38-101, hereby gives notice of emergency and proposed rulemaking action taken by the Board at its meeting held June 19, 2006, to amend Chapter 903 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding Applications to Establish Public Charter Schools. The purpose of this rulemaking is to defer the public charter school application process until further notice.

The emergency rulemaking shall expire within 120 days of June 19, 2006, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Board also gives notice of its intent to take final rulemaking action to adopt this proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Section 903 is amended to read as follows:

#### **903 APPLICATIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS**

903.1 Not later than December 31<sup>st</sup> of each year, the Board of Education shall publish guidelines and the timeline for submission of applications to establish public charter schools in September of the year following approval and one year of planning. The portion of this subsection requiring publication of guidelines and timeline by December 31st shall not apply ~~in calendar years 2004 and 2005;~~ provided, however, that the Board shall comply with the requirements of this subsection not later than October 1, 2005. For the year 2006 and all subsequent years, the December 31st publication date will apply until further notice.

Written comments on the emergency and proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Suite 9108, Washington, D.C. 20002. Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

## THE OFFICE OF TAX AND REVENUE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Office of Tax and Revenue ("OTR"), pursuant to the authority set forth in D.C. Official Code § 47-1335 (2001), section 155 of the District of Columbia Appropriations Act, 2001 (P.L. 106-522, D.C. Official Code §1-204.24c) (2001), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption on an emergency basis of an amendment to Chapter 3 of Title 9 of the District of Columbia Municipal Regulations (DCMR), Real Property Taxes, by adding a new section 340, ("Conflict of Interest").

The new amendment to Chapter 3 of Title 9 DCMR prohibits specified District of Columbia government employees, contractors and certain elected officials from registering for, bidding on, or participating in the District of Columbia annual real property tax lien sale. This rulemaking is necessary to ensure a fair, impartial, and complete tax sale that complies with constitutional due process; to preserve the peace, safety, and welfare of the District; and to incorporate changes made to the Real Property Tax Sales Registration Form. The intent of this rulemaking is to prohibit specified District government employees and elected officials, contractors, and their families or business associates, with knowledge obtained from their public duties involving tax administration or economic development from participating in real property tax sales. It is necessary to prohibit such employees because they have knowledge not available to the general public which may permit them to purchase tax sale properties most likely to appreciate in value. Such purchases would create an actual or apparent conflict of interest. It would also be improper to permit employees, who work directly or indirectly with attaching a tax or other lien on property, to buy that property at a tax sale. This regulation will help to ensure a sufficient and proper revenue stream to support the health, welfare and safety of the citizens of the District of Columbia.

The emergency rulemaking is necessary to ensure the continued health, welfare and safety of the District government. The emergency regulation was adopted and became effective on June 21, 2006. The emergency regulation shall expire within 120 days from the date of adoption or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

OTR also gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Chapter 3 of Title 9 DCMR is amended to add a new section 340 to read as follows:

**340 Conflict of Interests.**

**340.1** District of Columbia government employees and contractors, or the family members or business associates of District government employees and contractors, under the following classifications or employed in the following offices or positions, shall not be permitted to register for or bid on properties at any tax sale:

- (a) Executive Service employees as described in D.C. Official Code § 1.610.51 (2001);
- (b) Office of the City Administrator;
- (c) Office of the Deputy Mayor for Planning and Economic Development, and the following subordinate organizations thereunder: Department of Consumer and Regulatory Affairs, Department of Housing and Community Development, and the Office of Planning;
- (d) Office of the Chief Financial Officer; and
- (e) Mayor, Councilmember, Advisory Neighborhood Commissioner, or a staff member thereof.

**340.2** For purposes of this section, "family member" means a person as defined in D.C. Official Code § 32-501 (4) (2001) or D.C. Official Code § 32-701 (7) (2001).

**340.3** For purposes of this section, the term "business associate" means:

- (a) An organization in which the employee, elected official, or contractor serves as an officer, director, trustee, or employee; or
- (b) Any person or organization with whom the employee, elected official, or contractor is negotiating employment or has any arrangement concerning prospective employment.

Persons desiring to comment on this proposed regulation should submit comments in writing to Ms. Tracy Perry, Assistant General Counsel, Office of Tax and Revenue, 941 N. Capitol Street, NE, 4<sup>th</sup> Floor, Washington, DC 20002, not later than thirty (30) days after publication of this notice in the D.C. Register. Copies of this rule and related information may be obtained by writing to the person and address stated herein.